

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

GEORGE D. ARNESEN, *et al.*,

No. 1:23-cv-00145-TBM-RPM

Plaintiffs,

v.

GINA RAIMONDO, *et al.*,

**JOINT MOTION TO SET
BRIEFING SCHEDULE**

Defendants.

KAREN BELL, *et al.*,

Plaintiffs,

v.

GINA RAIMONDO, *et al.*

Defendants.

In this consolidated case, *Bell* Plaintiffs brought suit under the Magnuson-Stevens Act, requesting that the Court set aside a final rule implementing a quota reduction for greater amberjack known as Amendment 54. *Bell v. Raimondo*, No. 23-cv-160 (S.D. Miss.). *Arnesen* Plaintiffs likewise brought suit seeking to set aside the final rule. ECF No. 1. In addition, the *Arnesen* Plaintiffs sought a declaration that Amendment 54 is void and an injunction to stop the Gulf of Mexico Fishery Management Council from developing further annual catch limits for greater amberjack. *Id.* After the cases were consolidated, ECF No. 49, cross-motions for summary judgment were briefed. This Court expedited proceedings. See ECF No. 87 at 12 & n.8. On January 31, 2024, this Court granted summary judgment to the government, ECF Nos. 87–88, and Plaintiffs appealed to the Fifth Circuit, ECF Nos. 89–90, which likewise expedited the case.

On August 23, 2024, the Fifth Circuit remanded the case to this Court to address, in the first instance, whether (1) there is jurisdiction to consider Arnesen’s requested relief declaring Amendment 54 itself void and enjoining the voting members of the Council from developing further annual catch limits for the greater amberjack fishery in light of the Government’s contention that judicial review under 16 U.S.C. § 1855(f)(1)–(2) is limited to “[r]egulations promulgated by the Secretary” and “actions that are taken by the Secretary under regulations which implement a fishery management plan,” and (2) whether the NMFS Assistant Administrator’s review and approval of the Final Rule functioned as a ratification of Council’s actions.

ECF No. 94 at 4 (footnote omitted).

To resolve these issues, the parties respectfully request that the Court enter the following schedule for simultaneous briefing:

- October 11, 2024: Initial Brief, limited to 20 pages¹ for each set of Plaintiffs and for Defendants
- November 4, 2024: Response Brief, limited to 15 pages for each set of Plaintiffs and 25 pages for Defendants

The parties also submit that the limited remand in this expedited case can be resolved without a hearing.

DATED: September 6, 2024.

Respectfully submitted,

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¹ The requested page counts exclude the captions, tables of contents, tables of authorities, signature blocks, and certificates of service.

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CERTIFICATE OF SERVICE

I hereby certify that on September 6, 2024, I electronically filed the foregoing with the Clerk of the Court for the United States District Court for the Southern District of Mississippi by using the CM/ECF system.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

/s/ Michael Poon
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